

# APPENDIX 14:



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

SEP 17 2003

Charles C. Maddox, Esq.  
Inspector General  
Office of the Inspector General  
717 14<sup>th</sup> Street, N. W.  
Washington D.C. 20005



203 SEP 22 9:55 AM

Dear Inspector General Maddox:

This letter shall serve as a response to your correspondence dated September 9, 2003, outlining complaints from the Medico Legal Investigators (MLI) of the Office of the Chief Medical Examiner (OCME). Specifically, their complaints were that the members of the Metropolitan Police Department (MPD) were disturbing the bodies at death scenes in violation of D.C. Code Section 5-1406 (a) which states ...{f} or all deaths described in D.C. Code Section 5-1405 (b), the CME shall take charge of the body upon mandatory and direct notification of the death required by subsection (b) of this section... The body of the decedent shall not be disturbed unless the CME, or the CME designee, grants permission to do so.

To address this complaint, I herein provide a historical perspective that centers around the MLI and the OCME. The OCME was never staffed with a full complement of MLI, thus resulting in a shortage of MLI to respond to death scenes. However, the MPD and the Homicide Unit historically and currently responds to death scenes. In compliance with D.C. Code Section 5-1406 (a), the MPD would not disturb the body until the arrival of the MLI. On occasion, the MPD would be on a death scene waiting for an MLI to respond for 3-4 hours. In the interim, the MPD members on the scene would bear the brunt of family and citizen complaints for this long delay by the OCME. To rectify this situation, as you recommended in your letter, on April 20, 2003, the MPD and the OCME entered into an agreement to address this situation. The CME has delegated his authority to the MPD Homicide Unit to "disturb" the body at death scenes when no MLI is available. This delegation of authority is in compliance with D.C. Code Section 5-1406 (a). See memorandum from CME to Assistant Chief Alfred J. Broadbent, Sr. of the MPD, dated April 20, 2003.

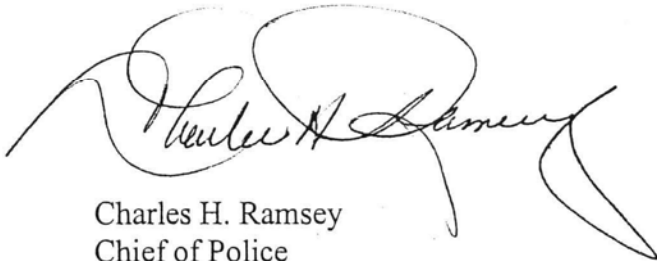
Regarding the complaint of the OCME MLI asserting delays in notification to the MLI, this is simply not the case. MPD Communications Division as well as the MPD Homicide Unit notifies the OCME on all death cases to include homicides. Once again, because of the shortage of MLI, the MPD and the OCME have agreed that the MLI will respond to all death scenes between the hours of 0730 and 1930.

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Inspector General  
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If the MLI are unable to respond the MPD will handle the death investigation. During the hours of 1930 to 0730, the MPD shall be responsible for handling all death investigations, because of the unavailability of the MLI. On several documented occasions, the MPD has made timely notification to the OCME MLI, however the MLI arrived to the death scene 3-4 hours after notification. Currently, with the agreement made between the MPD and the OCME, if the MLI cannot respond within 45 minutes, the MPD will handle the scene. In all cases MPD notifies the OCME.

Thank you for bringing these matters to my attention, however, as you can see my staff and I have addressed these issues with Dr. Arden of the OCME and we have come to an agreement that clarifies responsibilities at death scenes for the members of MPD and the members of the OCME. Additionally, our agreement complies with the applicable laws and regulations of the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Ramsey". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

Charles H. Ramsey  
Chief of Police

Enclosures



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MEMORANDUM

**COPY**

**To:** Assistant Chief Alfred Broadbent, Metropolitan Police Department

**From:** Jonathan L. Arden, MD, Chief Medical Examiner

**Date:** 20 April 2003

**Re:** Death Scene Investigations in Absence of OCME

The Office of the Chief Medical Examiner (OCME) has the responsibility to investigate and certify certain types of human death occurring within the District of Columbia, as enumerated in the DC Code, Title 5, Chapter 14. Specifically, § 5-1406(a) states:

“For all deaths described in § 5-1405(b), the CME shall take charge of the body upon the mandatory and direct notification of the death required by subsection (b) of this section. The CME, or duly authorized representatives of the CME, shall have authority to respond to the scene of the death. The body of the decedent shall not be disturbed unless the CME, or the CME's designee, grants permission to do so.”

The OCME Medicolegal Investigators (MLIs) are the duly authorized representatives of the Chief Medical Examiner (CME) for the purpose of routine responses to death scenes, including examining the body of the decedent prior to moving it or removing evidence from it. Although this responsibility exists 24 hours/day, current staffing patterns as established by OCME budget authority allow death scene responses by MLIs for only approximately 12 hours/day (from 0730 to 1930 hours). Outside these hours, detectives from the MPD Violent Crimes Unit (VCU) respond to death scenes without a response from OCME.


In consideration of the above, by this memo, I authorize the detectives of the MPD VCU to disturb the body of a decedent at the death scene under their investigation when no investigative response to that scene will be made by OCME, subject to the following conditions:

- That this be limited to a preliminary examination for detecting injuries, obtaining evidence leading to identification, recovering evidence that would likely be lost during transport, or securing valuables, personal property or contraband;
- That timely notification of the death as required under § 5-1406(b) was made first to OCME to ensure that no scene response by OCME is forthcoming.

Please note:

- This does not provide authorization for extensive or intrusive examinations by MPD personnel at death scenes, nor any procedure that would significantly alter the body. Any such exceptions (such as fingerprinting bodies at scenes) must be approved by the CME (or designee) individually.
- If a medical examiner is responding to the scene, then MPD may not disturb the body prior to his or her arrival (consistent with the procedures if a MLI were responding).
- Any designation of authority from the CME to MPD is limited to that expressly stated above.

This is effective immediately, and remains in effect until further notice.

Cc: Charles Ramsey, Chief of Police, MPD  
John Barrett, Commander of Detectives (MPD)  
Margret N. Kellems, Deputy Mayor for Public Safety and Justice  
 General Counsel, OCME

*[Handwritten signature and date 4/22/03]*